

United States Court of Appeals For the First Circuit

No. 23-1426

PRINCE BELO PAYE,

Petitioner,

v.

MERRICK B. GARLAND, Attorney General,

Respondent.

Before

Barron, Chief Judge,
Gelpí and Rikelman, Circuit Judges.

ORDER OF COURT

Entered: July 17, 2024

On Wednesday, January 24, 2024, Petitioner filed a motion seeking an order to facilitate his return to the United States from Liberia at the Respondent's expense upon the Court's vacatur of the decision of the Board of Immigration Appeals ("BIA"). Petitioner explained in his motion that he was removed to Liberia on November 29, 2023 in violation of First Circuit Local Rule 18.0(1), which states that "[i]f the government has scheduled the removal of a petitioner, then the government will file with the Court a notice identifying the earliest date upon which removal may be made." In response, Respondent explained that Petitioner's removal in violation of Local Rule 18.0(1) was due to an unintentional oversight, that it will facilitate his return to the United States if he prevailed on his underlying petition, and that requiring it to pay for his travel expenses could implicate separation-of-powers concerns. On July 17, 2024, we issued our decision vacating in part the BIA's decision.

This is not the first time in which Respondent has removed a petitioner in violation of Local Rule 18.0(1). See Guerra-Castaneda v. Garland, No. 19-1736 (1st Cir. Sept. 14, 2019); Adewale v. Garland, No. 20-1540 (1st Cir. Oct. 24, 2020).

By no later than 5 p.m. on Friday, July 26, 2024, Respondent is ordered to provide to the Court, in detail, an explanation of how and why Petitioner was removed. Respondent shall also make all necessary inquiries and, at the same time, provide all information in its possession, custody, or control concerning (1) Petitioner's current location and his condition while in transit

back to the United States, including whether he is presently detained by authorities or otherwise, and (2) the expenses that Petitioner is expected to incur in returning to this country. Respondent's submission to this Court shall be made under the pains and penalties of perjury. Petitioner may, but is not required to, submit additional information documenting his travel expenses within 7 days of his return to the United States.

By the Court:

Maria R. Hamilton, Clerk

cc: Donna Carr, Chief Clerk, Board of Immigration Appeals, Gilles R. Bissonnette, Sang Yeob Kim, Margaret Moran, Joseph Anthony O'Connell, Andrew Nathan O'Malley, Oil, Daniel V. Ward, Colleen S. Roberts, Marianne Staniunas, Michelle Marie Mlacker, Abigail Sophie Alfaro